

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**FRANCIS KEISTER,**

**Plaintiff,**

**v.**

**METRO NASHVILLE  
POLICE DEPARTMENT, et al.,**

**Defendants.**

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**No. 3:22-cv-00376  
Judge Trauger**

**ORDER**

On January 3, 2024, the Magistrate Judge issued a Report and Recommendation (Doc. No. 103), to which no timely objections have been filed. The Report and Recommendation is therefore ACCEPTED and made the finding of facts and conclusions of law of this court. For the reasons expressed therein, it is hereby ORDERED as follows:

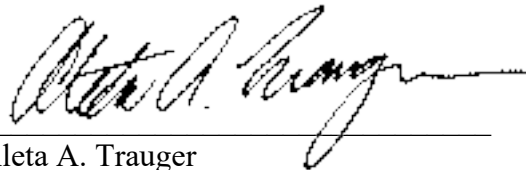
1. The Motion for Summary Judgment filed by defendant Meneces (Doc. No. 79) is GRANTED, and the claims against him are DISMISSED WITH PREJUDICE.
2. All claims against defendant Oo are DISMISSED for lack of subject matter jurisdiction.
3. The filings by defendant Oo construed as motions to dismiss (Doc. Nos. 91, 97, 98, 100) are DENIED AS MOOT.

The Clerk shall enter judgment in accordance with Rule 58, Federal Rules of Civil Procedure.

The court notes that the plaintiff filed a Motion for Extension of Time to Pay Appeal Filing Fee” (Doc. No. 107) on February 8, 2024, seeking additional time in which to either pay the \$605

appellate filing fee or seek leave to proceed as a pauper on appeal. (Id. at 3.) Because this Motion was filed prior to the entry of judgment against the plaintiff, and in the absence of a proper Notice of Appeal, it is DENIED WITHOUT PREJUDICE as premature. See Fed. R. App. P. 4(a)(1) (requiring notice of appeal to be "filed with the district clerk within 30 days after entry of the judgment or order appealed from"). For the plaintiff's convenience should he wish to appeal the judgment the court enters today, the Clerk is DIRECTED to send him forms for filing a Notice of Appeal and an application to proceed IFP (Form AO 239).

It is so **ORDERED**.

A handwritten signature in black ink, appearing to read 'Aleta A. Trauger', written over a horizontal line.

Aleta A. Trauger  
United States District Judge